IN THE HIGH COURT OF JUDICATURE AT PATNA
Cr.Misc. No.1255 of 2008
KEDAR SINGH @ KEDAR PRASAD
Versus
THE STATE OF BIHAR
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2. 1.5.2008. This application under Section 482 Cr.P.C. has been filed to quash the order dated 24.12.2007 passed by Additional Sessions Judge, Bagaha in Sessions Trial No. 455 of 2005 thereby petition filed by petitioner under Section 227 Cr.P.C. has been rejected.

Heard learned counsel for the petitioner as well as the State.

It appears from the record that on 8.8.1993 at 10 a.m. , complainant-Ram Chandra Singh, the then S. I of Bagaha Police Station raided M/s Sarawagi Timbers, Bagaha and seized large number of wooden logs said to be stolen forest produce. This petitioner and some other persons were found present in the saw mill. Accordingly, all the accused persons were prosecuted under various sections of Indian Penal Code including the provisions of Indian Forest Act.

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It is submitted by learned counsel for the petitioner that no case is made out against this petitioner. Saw mill in question belonged to Sushil Kumar Sarawagi who had a valid licence to keep trees, timber and other forest produce. Sushil Kumar Sarawagi and other accused persons have already been discharged on the ground that Sushil Kumar Sarawagi had a valid licence for running the saw mill and keeping forest produce seized from the saw mill. In support

of it, annexure-2 has been filed.

On a consideration of the material available on record as well as the order dated 22.6.2004 passed by Additional Sessions Judge, F. T. C.-II, I am of the view that the submission of the petitioner is perfectly correct. The owner of the saw mill from where forest produce (wooden logs) were seized by the police has already been discharged on the ground that he had a valid licence to run the saw mill and to keep the forest produce (wooden logs). This petitioner is said to be the labourer of the owner of the shop. Under the facts and circumstances, this petitioner cannot be prosecuted for the alleged offence.

Thus, having regard to the facts and circumstances of the case, this application is allowed. Impugned order dated 24.12.2007 passed by Additional Sessions Judge; Bagaha in Sessions Trial No. 455 of 2005 is, hereby, quashed.

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kanchan **(Ghanshyam Prasad, J.)**